

Notice of Allowability

Application No.

10/813,966

Examiner

Preeti Kumar

Applicant(s)

THOELE, MELTON SHERWOOD

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/22/2006.
2. ☒ The allowed claim(s) is/are Claims 1-7, 9, 11, 13-14, 35-44, 46-48, 51-53, 63, 68-71, renumbered 1-32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date See attached.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. Note that claims 1-81 are pending in this case to date, since the amendment filed 12/22/2006 was non-compliant and thus proposed claims 82-122 are not entered.

Rejoinder of Withdrawn Claims

2. Claims 1-7, 9, 11, 13-14 and 51-53, 63, 68-71 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(b), claims 35-44 and 46-48, directed to the process of making or using the allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104. Claims 8, 10, 12, 15-34, 45, 49-50, 54-62, 64-67, 72-81 do not require all the limitations of an allowable product claim, and have NOT been rejoined.

Because a claimed invention previously withdrawn from consideration under 37 CFR 1.142 has been rejoined, **the restriction requirement of groups I-VI as set forth in the Office action mailed on 6/27/2006 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Hiney on 12/22/2006 and 1/18/2007.

4. The application has been amended as follows:

The claims:

In claim 1, line 1, delete "An enzymatic cleanser for cleaning of medical equipment and instruments which have bio-residue thereon, said cleanser comprising a composition which consists the following components,

water,

sodium formate,

sodium tripolyphosphate,

sodium xylene sulfonate,

protease enzyme, and

amylase enzyme." and replace with – A non-toxic and environmentally safe cleanser for cleaning equipment and instruments which have bio-residue such as blood and other body fluids adhered thereto in a dried state, said non-toxic cleanser consisting of the following components:

water,
sodium formate,
sodium tripolyphosphate,
sodium xylene sulfonate,
alkoxylated isopropanolamide,
sodium alkane sulfonate and sodium capryl mixture,
protease enzyme,
amylase enzyme,
and optionally, fragrance, calcium chloride, lauryl alcohol alkoxylate, sodium borate decahydrate, propylene glycol, propylparaben, and methylparaben. —

In claim 9, line 1, delete "claim 8" and replace with —claim 1 --.

In claim 11, line 1, delete "claim 10" and replace with —claim 1 --.

In claim 13, line 1, delete "A cleanser as in claim 12 wherein said mixture component is from 0.5 to 1.5% by weight." and replace with — A cleaner as in claim 1 wherein said sodium alkane sulfonate and sodium capryl mixture is from 0.5 to 1.5% by weight.--.

Art Unit: 1751

In claim 14, line 1, delete "A cleanser as in claim 1 and including a fragrance of 0.1% by weight." and replace with – A cleanser as in claim 1 wherein said fragrance is 0.1% by weight.--.

In claim 35, line 1, delete "A method of making a non-toxic cleanser for equipment and instruments which have bio-residue attached thereto, said method comprising, adding and mixing the following ingredients,

a solvent,

an enzyme stabilizer,

a buffer for pH,

hydrotropic nonionic surfactant,

compound to remove protein based materials, and

compound to remove carbohydrate based materials,

mixing all the aforesaid ingredients until all solids are dissolved." and replace with –

A method of making a non-toxic and environmentally safe cleanser for equipment and instruments which have bio-residue attached thereto, said method comprises the steps of adding and mixing a composition consisting of the following components:

water,

sodium formate,

sodium tripolyphosphate,

sodium xylene sulfonate,

Art Unit: 1751

alkoxylated isopropanolamide,

a mixture of sodium alkane sulfonate and sodium capryl,

protease enzyme,

amylase enzyme,

and optionally, fragrance, calcium chloride, lauryl alcohol alkoxylate, sodium borate decahydrate, propylene glycol, propylparaben, and methylparaben;

wherein the composition is mixed until all solids are dissolved. —

In claim 36, line 1, delete “A method as in claim 35 wherein said solvent is water from 64 to 68% by weight.” and replace with – A method as in claim 35 wherein said water is from 64 to 68% by weight.--.

In claim 37, line 1, delete “A method as claim 35 wherein said enzyme stabilizer is sodium formate from 1 to 2% by weight.” and replace with – A method as claim 35 wherein said sodium formate is from 1 to 2% by weight.--.

In claim 38, line 1, delete “A method as in claim 35 wherein said buffer is sodium tripolyphosphate and is present from 4 to 6% by weight.” and replace with – A method as in claim 35 wherein said sodium tripolyphosphate is present from 4 to 6% by weight.--.

Art Unit: 1751

In claim 39, line 1, delete "A method as in claim 35 wherein said hydrotropic nonionic surfactant is sodium xylene sulfonate from 9 to 11% by weight." and replace with – A method as in claim 35 wherein said sodium xylene sulfonate is from 9 to 11% by weight.--.

In claim 40, line 1, delete "A method as in claim 35 wherein said compound to remove protein based materials is protease enzyme from 3 to 5% by weight." and replace with – A method as in claim 35 wherein said protease enzyme is from 3 to 5% by weight. –.

In claim 41, line 1, delete "A method as in claim 35 wherein said compound to remove carbohydrate based materials is amylase enzyme from 1 to 3% by weight." and replace with – A method as in claim 35 wherein said amylase enzyme is from 1 to 3% by weight. –.

In claim 42, line 1, delete "A method as in claim 35 wherein said mixture includes calcium chloride from 0.1 to 0.3% by weight." and replace with – A method as in claim 35 wherein said calcium chloride is from 0.1 to 0.3% by weight.--.

In claim 43, line 1, delete "A method as in claim 35 and including the following: alkoxyated isopropanolnide, and a sodium alkane sulfonate, sodium capryl mixture. said isopropanolamide and mixture being combined and then added to the

Art Unit: 1751

previously mixed ingredients.” and replace with – A method as in claim 35 wherein said sodium alkane sulfonate, sodium capryl mixture and isopropanolamide are first combined prior to mixing of the other components.–.

In claim 46, line 1, delete “A method of cleaning instruments and equipment which have a bio residue thereon, said method comprising,

immersing in and/or applying a composition having the following components to said equipment and instruments,

water from 64 to 68% by weight,

sodillm formate from 1 to 2% by weight,

sodium tripolyphosphate from 4 to 6% by weight,

sodium xylene sulfonate from 9 to 11% by weight,

a protease enzyme from 3 to 5% by weight, and

a amylase enzyme from 1 to 3% by weight.

rinsing said equipment and instruments after cleaning.” and replace with – A method of cleaning instruments and equipment which have a bio residue thereon, said method comprising,

the step of contacting said equipment and instruments with a non-toxic and environmentally safe cleanser composition by immersion or application thereof,

and rinsing said equipment and instruments after cleaning;

wherein in said non-toxic and environmentally safe cleanser composition consists of the following components:

Art Unit: 1751

water from 64 to 68% by weight,
sodium formate from 1 to 2% by weight,
sodium tripolyphosphate from 4 to 6% by weight,
sodium xylene sulfonate from 9 to 11% by weight,
alkoxylated isopropanolamide,
a mixture of sodium alkane sulfonate and sodium capryl,
a protease enzyme from 3 to 5% by weight,
a amylase enzyme from 1 to 3% by weight,
and optionally, fragrance, calcium chloride, lauryl alcohol alkoxylate, sodium borate decahydrate, propylene glycol, propylparaben, and methylparaben.--.

In claim 47, line 1, delete "A method as in claim 46 wherein said composition also includes a calcium chloride from 0.1 to 0.3% by weight." and replace with – A method as in claim 46 wherein said calcium chloride is from 0.1 to 0.3% by weight.--.

In claim 48, line 1, delete "A method as in claim 46 which also includes the following ingredients, alkoxylated isopropanolnide from 9 to 11% by weight, and sodium alkane sulfonate from 0.5 to 1.5% by weight." and replace with – A method as in claim 46 wherein said alkoxylated isopropanolnide is from 9 to 11% by weight, and said sodium alkane sulfonate from 0.5 to 1.5% by weight.--.

Art Unit: 1751

In claim 51, line 1, delete "A cleanser as in claim 51" and replace with –A cleanser as in claim 1 --.

In claim 52, line 1, delete "A cleanser as in claim 51" and replace with –A cleanser as in claim 1 --.

In claim 53, line 1, delete "A cleanser as in claim 51" and replace with –A cleanser as in claim 1 --.

In claim 63, line 1, delete "A cleanser as in claim 62" and replace with –A cleanser as in claim 1 --.

In claim 68, line 1, delete "A cleanser as in claim 67 wherein said decahydrate" and replace with –A cleanser as in claim 1 wherein said sodium borate decahydrate--.

In claim 69, line 1, delete "A cleanser as in claim 51 and also including 3 to 10% Propylene Glycol by weight." and replace with – A cleanser as in claim 1 wherein said propylene glycol is from 3 to 10% by weight.--.

In claim 70, line 1, delete "A cleanser as in claim 51 and also including 0.1% Propylparaben as a preservative." and replace with –A cleanser as in claim 1 wherein in said propylparaben is a preservative in an amount of 0.1%.--.

In claim 71, line 1, delete "A cleanser as in claim 51 and also including 0.1% Methyparaben as a preservative." and replace with --A cleanser as in claim 1 wherein in said methylparaben is a preservative in an amount of 0.1%.--.

Claims 8, 10, 12, 15-34, 45, 49-50, 54-62, 64-67, 72-81 are cancelled.

Reasons For Allowance

5. The following is an examiner's statement of reasons for allowance: Claims 1-7, 9, 11, 13-14, 35-44, 46-48, 51-53, 63, 68-71, renumbered 1-32, are allowable upon consideration of applicants' information disclosure statement and consideration of the prior art.

The examiner's amendment to the claims obviates the rejection of claims 1, 8, 10, 12 and 14 under 35 U.S.C. 112, second paragraph and obviates the rejections over Potgieter et al. (H 1,818).

The prior art most pertinent to the instant claims is over Potgieter et al. (H 1,818). Potgieter et al. teach and enzymatic heavy duty laundry detergent composition comprises 1.2% wt. sodium formate stabilizer, 0.2% wt calcium chloride, 0.3% wt. fragrance and 53.88% wt. water. See example 2 and col.3,ln.19 and col.5,ln.9.

However, Potgieter et al. do not teach or suggest the claimed non-toxic, environmentally safe enzymatic cleanser for cleaning of medical equipment and instruments which have bio-residue thereon which cleanser consists of the claimed components in the claimed percentage along with the specified alkoxyated

Art Unit: 1751

isopropanolamide and a sodium alkane sulfonate/sodium capryl mixture as recited by the instant claims.

None of the prior art of record teach or suggest the claimed composition consisting of the claimed components as recited by the instant claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 571-272-1320. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Mc Ginty can be reached on 571-272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


DOUGLAS MCGINTY
SUPERVISORY PATENT EXAMINER

Examiner Preeti Kumar P.K.
Art Unit 1751

1751